

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

BOARDS OF TRUSTEES OF OHIO  
LABORERS' BENEFIT PROGRAMS,

Plaintiffs,

v.

WILLIAMS FLAGGER LOGISTICS, LLC,

Defendant.

Case No. 2:20-cv-4696  
Judge Edmund A. Sargus, Jr.  
Magistrate Judge Jolson

**REPORT AND RECOMMENDATION**

This is an action was initiated on September 9, 2020, for unpaid fringe benefit contributions, statutory interest, and other damages under ERISA, 29 U.S.C. § 1132, and the Labor Management Relations Act, 29 U.S.C. § 185. (Doc. 1). Defendant was served on September 15, 2020 (Doc. 4) and failed to plead or otherwise defend this action. Plaintiffs applied to the Clerk for entry of default on October 15, 2020. (Doc. 5). The Clerk entered default pursuant to Federal Rule Civil Procedure 55(a) on October 16, 2020. (Doc. 6). The Undersigned granted Plaintiffs' Motion to Expedite Discovery on February 16, 2021. On September 16, 2021, when Plaintiffs had failed to communicate with the court or to move for default judgment, the Undersigned ordered Plaintiffs to show cause or move for default judgment. (Doc. 11). On September 30, 2021, Plaintiffs filed a Motion for Default Judgment against Defendant. (Doc. 12).

Upon review of the Motion and corresponding exhibits and affidavits, it is **RECOMMENDED** that Plaintiffs' Motion (Doc. 12) be **GRANTED** and judgment be entered in favor of Plaintiffs and against Defendant as follows:

- \$17,712.20 in unpaid fringe benefit contributions for the period March 2019 through January 2020, liquidated damages, and interest through September 2021.

- \$4,168.95 in attorneys' fees plus interest from the time of judgment at the rate of 1% per month, and the court costs of this action.

### **Procedure on Objections**

If any party objects to this Report and Recommendation, that party may, within fourteen (14) days of this Report, file and serve on all parties' written objections to those specific proposed findings or recommendations to which objection is made, together with supporting authority for the objection(s). A judge of this Court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. Upon proper objections, a judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the magistrate judge with instructions. 28 U.S.C. § 636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the district judge review the Report and Recommendation de novo, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

IT IS SO ORDERED.

Date: October 1, 2021

/s/ Kimberly A. Jolson  
KIMBERLY A. JOLSON  
UNITED STATES MAGISTRATE JUDGE